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09/699,961	10/30/2000	Darshatkumar Shah	MS150612.1	8291
27195	7590	01/16/2004	EXAMINER	
AMIN & TUROCY, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/699,961

Applicant(s)

SHAH, DARSHATKUMAR

Examiner

Yogesh C Garg

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 8-17 and 23-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-22, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of group I, consisting of claims 1-7, 18-22, and 31-32 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 8-17, and 23-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

### ***Abstract***

2. The abstract of the disclosure is objected to because it has more than 150 words. Correction is required. See MPEP § 608.01(b). The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the applicant's signature is in the wrong place.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.1. Claims 1-2, 5-7, and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Spiegel et al. (US Patent 6, 629, 079 B1), hereinafter, referred to as Spiegel.

**R** garding claim 1, Spiegel discloses a system which facilitates electronic shopping (see at least abstract), comprising:

a graphical image component residing on a user interface (see at least FIG.1, where reference numbers, " 1 2 3 4 and 5" represent graphical image components which can be selected by clicking on any of these components. Also see col.5, lines 39-65, "*.....The display includes the shopping cart selection navigation bar 101, ..... The selection navigation bar contains an area for each of five shopping carts or electronic commerce contexts. Each shopping cart is currently identified by a number between one and five. The shopping cart identified by numbered 2 is currently selected as indicated by shading. ....* ". Note: The shopping cart areas represented by numbers 1,2...5 correspond to the graphical image components residing on the a user interface) ; and

a shopping basket component associated with the graphical image component (see at least FIG.1, where reference numbers, " 1 2 3 4 and 5" represent graphical image components which can be selected by clicking on any of these components. Also see col.5, lines 39-65, "*.....The display includes the shopping cart selection navigation bar 101, ..... The selection navigation bar contains an area for each of five shopping carts or electronic commerce contexts. Each shopping cart is currently identified by a number between one and five. The shopping cart identified by numbered 2 is currently selected as indicated by shading. ....* "), the shopping basket component being programmed to provide drag and drop capabilities wherein a user may drag and drop representations of identified items from a plurality of sources using a computer pointer into the graphical image and descriptions of the items will be retained by the shopping basket component (see at least col.10, lines 31-65, "*For example, the multiple electronic commerce context ("MECC") system may provide a facility to "reset"*

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*a context to default values or to "copy" a context. That is, if a user needs to change certain context information (e.g., billing and shipment information), the user can indicate to "reset" or "copy" a context. When a context is "reset," its information may be reset to certain initial values. .... the shopping cart selection navigation bar can be used for dragging-and-dropping items into the various shopping carts. For example, a user may select an item by depressing a button on a pointing device, then drag the selected item to the selection navigation bar, and drop the item into a shopping cart by releasing the button. When an item is dragged-and-dropped into a shopping cart, ..... ". Note: The "MECC" limitation in Spiegel allows the user to identify items from a plurality of sources.).*

**Regarding claim 2,** Spiegel further discloses that the system of claim 1, further comprises an ordering component for identifying items retained by the shopping basket component, the ordering component providing for concurrent ordering of the identified items from the respective sources of the identified items (see at least col.5, line 66- col.6, line 11, "*.....When a user selects a shopping cart from the selection navigation bar, the selected shopping cart becomes the current shopping cart, which changes the electronic commerce context. The information in the selection box is updated each time a different shopping cart is selected to reflect the currently selected shopping cart. When a user selects the add-to shopping cart button, the currently selected item is added to the currently selected shopping cart. When a user selects the single-action ordering button, an order is automatically placed for the currently selected item. That item is shipped and billed according to the shipment and billing information of the currently selected shopping cart. .... ", ).*

**Regarding claim 5,** Spiegel also discloses that in the system of claim 1, the user interface being an Internet browser (see at least FIG.4, col.7, lines 7-13, "*The MECC*

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*system contains various components that perform the functions of multiple electronic commerce context. Various components are described below in detail. **The client system 420 contains a browser 421.** The server and client systems interact by exchanging information via communications link 430, which may include transmission over the Internet. ").*

**Regarding claim 6,** Spiegel also discloses that in the system of claim 5 the Internet browser and the shopping basket component residing on a client computer., (see at least FIG.4, col.7, lines 7-13, "*The MECC system contains various components that perform the functions of multiple electronic commerce context. Various components are described below in detail. **The client system 420 contains a browser 421.** The server and client systems interact by exchanging information via communications link 430, which may include transmission over the Internet. ").*

**Regarding claim 7,** Spiegel shows that the system of claim 1, the user interface being a desktop of a client computer and the shopping basket component being a desktop application associated with the graphical image (see at least col.7, lines 23-31, "*.....A client system may comprise any combination of hardware or software that can interact with the server system. These systems may include television-based systems or various other consumer products through which orders may be placed. In general, the client and server system may include a central processing unit, a memory, and storage devices. The multiple electronic commerce context ("MECC") system may be stored in a computer-readable medium such as memory or a CD-ROM.....*".

Note: The claimed limitation of desktop and desktop application are covered by Spiegel in his disclosure that *A client system may comprise any combination of hardware or software that can interact with the server system. ).*

**Regarding computer readable medium having computer-executable components claims 31 and 32**, their limitations are already covered in method steps of claims 1 and 2 and are therefore analyzed and rejected as being anticipated by Spiegel on the basis of same rationale.

4.2. Claims 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Call (US Patent 6,154,738).

Regarding claims 18-19, Call teaches a method for facilitating electronic shopping (see at least abstract) , comprising:

relating items with descriptions corresponding to each item, the descriptions conforming to a common schema; providing a representation of each item at a respective source; and linking the representation of each item to a respective description of each item and the common schema being an XML schema (see at least col.32, lines 20-41, "*The manufacturers preferably provide product information to their connected server in the form of well-formed **eXtensible Markup Language (XML) documents** which may be validated against a standard Document Type Definition (DTD) to which all such product information documents should conform. **The schema** to which such documents adhere may be advantageously expressed in the Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the evolution of standardized content definitions for product and company information. The shared product information server illustrated at 840, in its simplest form, does nothing more than make*



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*Internet accessible data storage space available where smaller manufacturers without their own servers can make product and company information available via the Internet.....").*

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel and further in view of Call (US Patent 6,154,738).

Regarding claims 3 and 4, Spiegel teaches a system which facilitates electronic shopping as applied to claim 1 and analyzed above. Spiegel does not disclose that in the system of claim 1, the identified items from the plurality of sources having a common schema associated with the descriptions of the items and that common schema being an XML schema. However, Call in the field of same endeavor, teaches that in the system of claim 1, the identified items from the plurality of sources having a common schema associated with the descriptions of the items and that common schema being an XML schema (see at least col.32, lines 20-41, "*The manufacturers preferably provide product information to their connected server in the form of well-formed eXtensible*

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*Markup Language (XML) documents which may be validated against a standard Document Type Definition (DTD) to which all such product information documents should conform. The schema to which such documents adhere may be advantageously expressed in the Resource Description Framework (RDF) and Syntax Specification, as noted earlier, to facilitate the evolution of standardized content definitions for product and company information. The shared product information server illustrated at 840, in its simplest form, does nothing more than make Internet accessible data storage space available where smaller manufacturers without their own servers can make product and company information available via the Internet....." ).* In view of Call, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modifies Spiegel to incorporate the feature of having a common schema associated with the descriptions of the items, identified from a plurality of sources, and that common schema being an XML schema because it helps to present the data from different sources in a format being used by the local web page producer as explicitly shown in Call (see at least col.2, line 64-col.3, line 10).

5.2. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call and further in view of Spiegel

**Regarding claims 20-22,** Call teaches a method for facilitating electronic commerce as applied to claim 18 and analyzed above. Call further discloses use of shopping basket to select and order items (see at least col.29, lines 13-31) and that the user interface being one of an Internet browser and a desktop application residing on a client computer ( see at least col.32, lines 1-8, "*Consumers and the general public access information and perform transactions via the Internet using conventional web browsers (i.e.*

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*conventional web browser application programs executing on desktop computers or workstations) as exemplified at 803, 804 and 805. Such web browsers typically employ a shared Internet Service Provider (ISP) as indicated at 807 which provides a connection to the Internet 810 " ).*

Call does not explicitly disclose associating a shopping basket component with a graphical image on a user interface, the shopping basket component having drag and drop capabilities wherein a user may drag and drop a provided representation of an item of each item using a computer pointer into the graphical image and the corresponding description of the item will be retained by the shopping basket component. However, in the field of same endeavor, Spiegel discloses associating a shopping basket component with a graphical image on a user interface (see at least FIG.1, where reference numbers, " 1 2 3 4 and 5" represent graphical image components which can be selected by clicking on any of these components. Also see col.5, lines 39-65, "" .....*The display includes the shopping cart selection navigation bar 101, ..... The selection navigation bar contains an area for each of five shopping carts or electronic commerce contexts. Each shopping cart is currently identified by a number between one and five. The shopping cart identified by numbered 2 is currently selected as indicated by shading. .... "*), the shopping basket component having drag and drop capabilities wherein a user may drag and drop a provided representation of an item of each item using a computer pointer into the graphical image and the corresponding description of the item will be retained by the shopping basket component (see at least col.10, lines 31-65, " ..... *the shopping cart selection navigation bar can be used for dragging-and-dropping items into the various shopping carts. For example, a user may select an item by depressing a button on a pointing device, then drag the selected item to the selection navigation bar, and drop the item into a shopping cart by releasing the*

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*button. When an item is dragged-and-dropped into a shopping cart, ..... "..).* In view of Spiegel it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Call to incorporate the feature of a graphical image of the shopping cart and also to include the feature of drag and drop items in the shopping basket because use of graphical icons makes it convenient for the users to select and activate options by merely pointing and clicking with a mouse instead of typing commands or reproducing the applications from scratch.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) WO 98/21679 to Franklin et al. discloses a system and method for conducting electronic commerce using an Internet browser and shopping basket (see at least title, abstract and FIGs 1-4).

(ii) Evans, Patricia; " Seybold report on Internet publishing"; March 2000; extracted on Internet from Dialog, Accession # 02387567 on 01/09/2004 teaches use of shopping cart, drag and drop technologies in electronic commerce along with use of presenting documents in XML format.

(iii) US Patent 6,304,855 B1 to Burke teaches a system and method of conducting electronic commerce/purchasing with the use of a shopping basket and shopping basket icon (see at least FIGs. 9-11 and col.10, lines 1-23).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Yogesh C Garg  
Examiner  
Art Unit 3625

YCG  
January 9, 2004